

Patent Application
Attorney Docket No.: 62687.000091
Client Reference No.: D-99018A-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
: Robert H. DUECK et, al. : Group Art Unit: 2882
: Appln. No.: 09/724,770 :
: Filed: November 28, 2000 : Examiner: Chih-Cheng G. Kao
: For: ATHERMALIZATION AND PRESSURE :
: DESENSITIZATION OF :
: DIFFRACTION GRATING BASED :
: WDM DEVICES :

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION OVER A COPENDING PATENT APPLICATION

Sir:

The owner, Confluent Photonics Corporation, of the entire interest in the above-referenced patent application (as evidenced by the assignments recorded on April 23, 2001, at Reel 011732, Frame 0751 and on December 17, 2002, at Reel 013578, Frame 0269) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-referenced patent application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of copending U.S. Patent Application No. 09/724,771,

the entire interest in said copending patent application being

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owned by said Confluent Photonics Corporation, (as evidenced by the assignments recorded on April 23, 2001, at Reel 011732, Frame 0743, and on December 17, 2002, at Reel 013578, Frame 0269). The owner hereby agrees that any patent so granted on the above-referenced patent application shall be enforceable only for and during such period that it and the copending patent application are commonly owned. This agreement runs with any patent granted on the above-referenced patent application and is binding upon the grantee, its successors or assigns.

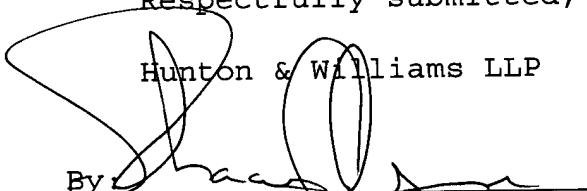
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-referenced patent application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 to §156 and §173 of the copending patent application, as presently shortened by any terminal disclaimer, in the event that the copending patent application later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A check in the amount of \$55.00 for the fee under 37 § 1.20(d) covering the cost of filing the Terminal Disclaimer is attached. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-0206.

Respectfully submitted,

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